

**Senate File 228 - Reprinted**

SENATE FILE 228  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1114)

(COMPANION TO HF 201 BY  
COMMITTEE ON JUDICIARY)

(As Amended and Passed by the Senate February 22, 2023)

**A BILL FOR**

1 An Act relating to tort liability, including employer liability  
2 and damages in civil actions involving commercial motor  
3 vehicles.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   **668.12A Liability for employee**  
2 **negligence in actions involving commercial motor vehicles.**

3     1. Subject to subsection 4, in a civil action involving the  
4 operation of a commercial motor vehicle, if an employer who  
5 is a defendant in the action complies with subsection 2, the  
6 employer's liability for damages caused by the negligence of an  
7 employee operating a commercial motor vehicle within the course  
8 and scope of employment shall be based solely on respondeat  
9 superior and not on the employer's direct negligence in hiring,  
10 training, supervising, or trusting the employee.

11    2. On motion of an employer who is a defendant in a civil  
12 action involving the operation of a commercial motor vehicle,  
13 a trial court shall dismiss from the civil action any claim  
14 of the employer's direct negligence in hiring, training,  
15 supervising, or trusting the employee, or other claim of direct  
16 negligence on the part of the employer for the employee's  
17 harmful conduct, or other similar claims, if the employer  
18 stipulates that at the time of the event that caused the  
19 damages that are the subject of the civil action that the  
20 person whose negligence is alleged to have caused the damages  
21 was the employer's employee and was acting within the course  
22 and scope of employment with the employer.

23    3. If an employer makes the stipulations in subsection 2  
24 with respect to an employee, and the employee's negligence is  
25 found to have caused or contributed to causing the damages,  
26 the employer shall be adjudged liable solely on the basis of  
27 respondeat superior for all the resulting damages.

28    4. This section does not apply if the civil action involving  
29 a commercial motor vehicle arises from an incident for which an  
30 employee is convicted under section 321J.2 or found to be in  
31 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

32    5. As used in this section:

33     a. "*Commercial motor vehicle*" means as defined in section  
34 321.1, subsection 11, paragraph "f", and also includes a  
35 business-trade truck as defined in section 321.1, subsection

1 7A; a combination of vehicles as defined in section 321.1,  
 2 subsection 9; a commercial vehicle as defined in section  
 3 321.1, subsection 12, and section 326.2; a crane as defined in  
 4 section 321.1, subsection 15A; a farm tractor as defined in  
 5 section 321.1, subsection 24; a fence-line feeder as defined  
 6 in section 321.1, subsection 24A; an implement of husbandry  
 7 as defined in section 321.1, subsection 32; a light delivery  
 8 truck, panel delivery truck, or pickup as defined in section  
 9 321.1, subsection 35; a motor truck as defined in section  
 10 321.1, subsection 41; an off-road utility vehicle as defined  
 11 in section 321.1, subsection 47A; a road tractor as defined  
 12 in section 321.1, subsection 64A; a special mobile equipment  
 13 as defined in section 321.1, subsection 74; a special truck  
 14 as defined in section 321.1, subsection 75; a tank wagon as  
 15 defined in section 321.1, subsection 80A; a towing or recovery  
 16 vehicle as defined in section 321.1, subsection 83A; a tracked  
 17 implement of husbandry as defined in section 321.1, subsection  
 18 83B; a transporter as defined in section 321.1, subsection 87;  
 19 a truck tractor as defined in section 321.1, subsection 88;  
 20 and a utility maintenance vehicle as defined in section 321.1,  
 21 subsection 89A.

22 *b. "Convicted"* means convicted of an indictable offense and  
 23 includes a guilty plea or other finding of guilt by a court of  
 24 competent jurisdiction.

25 *c. "Operation" or "operating"* means actual physical control  
 26 of a commercial motor vehicle upon a highway as defined in  
 27 section 321.1.

28 **Sec. 2. NEW SECTION. 668.15A Noneconomic damages —**  
 29 **commercial motor vehicle owners or operators.**

30 1. As used in this section:

31 *a. "Commercial motor vehicle"* means as defined in section  
 32 321.1.

33 *b. "Convicted"* means convicted of an indictable offense and  
 34 includes a guilty plea or other finding of guilt by a court of  
 35 competent jurisdiction.

1     *c. "Inflation"* means the annual percentage change in the  
2 United States department of labor, bureau of labor statistics,  
3 consumer price index for all urban consumers for the midwest  
4 region, all items, or its successor index.

5     *d. "Noneconomic damages"* means damages arising from  
6 pain, suffering, inconvenience, physical impairment, mental  
7 anguish, emotional pain and suffering, loss of chance, loss of  
8 consortium, or any other nonpecuniary damages.

9     *e. "Operation"* means actual physical control of a commercial  
10 motor vehicle upon a highway as defined in section 321.1.

11     2. The total amount recoverable by each plaintiff in any  
12 civil action involving the operation of a commercial motor  
13 vehicle for noneconomic damages for personal injury or death,  
14 whether in tort, contract, or otherwise, against the owner or  
15 operator of a commercial motor vehicle shall be limited to two  
16 million dollars, regardless of the number of claims, theories  
17 of liability, or defendants in the civil action.

18     3. *a.* The limitation on damages set forth in subsection 2  
19 shall be adjusted for inflation by the secretary of state on  
20 January 1, 2026, and on January 1 of each even-numbered year  
21 thereafter.

22     *b.* The secretary of state shall certify and publish the  
23 adjusted limitation on damages within fourteen days after the  
24 appropriate information is available.

25     4. This section does not apply if the civil action involving  
26 a commercial motor vehicle arises from an incident for which an  
27 employee is convicted under section 321J.2 or found to be in  
28 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

29     Sec. 3. Section 668A.1, subsection 2, paragraphs a and  
30 b, Code 2023, as amended by 2023 Iowa Acts, House File 161,  
31 section 4, is amended to read as follows:

32     *a.* If the answer or finding pursuant to [subsection 1](#),  
33 paragraph "b", is affirmative, or if the claim is against any  
34 physician and surgeon, osteopathic physician and surgeon,  
35 dentist, podiatric physician, optometrist, pharmacist,

1 chiropractor, physician assistant, or nurse, licensed under  
2 chapter 147, or a hospital licensed under chapter 135B, arising  
3 out of patient care, or if the claim is part of a civil action  
4 involving the operation of a commercial motor vehicle, then the  
5 full amount of the punitive or exemplary damages awarded shall  
6 be paid to the claimant.

7     b. If the answer or finding pursuant to subsection 1,  
8 paragraph "b", is negative, and if the claim is not against  
9 any physician and surgeon, osteopathic physician and surgeon,  
10 dentist, podiatric physician, optometrist, pharmacist,  
11 chiropractor, physician assistant, or nurse, licensed under  
12 chapter 147, or a hospital licensed under chapter 135B,  
13 arising out of patient care, and if the claim is not part of  
14 a civil action involving the operation of a commercial motor  
15 vehicle, then after payment of all applicable costs and fees,  
16 an amount not to exceed twenty-five percent of the punitive or  
17 exemplary damages awarded may be ordered paid to the claimant,  
18 with the remainder of the award to be ordered paid into a  
19 civil reparations trust fund administered by the state court  
20 administrator. Funds placed in the civil reparations trust  
21 shall be under the control and supervision of the executive  
22 council, and shall be disbursed only for purposes of indigent  
23 civil litigation programs or insurance assistance programs.